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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/540,440	THEIMER ET AL.
	Examiner	Art Unit	
	Son T. Hoang	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _0_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _20 June 2005_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-39_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-39_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _20 June 2005_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _20 June 2005_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   This instant application having Application No. 10/540,440 has a total of 39 claims pending in the application; there are 2 independent claims and 37 dependent claims.

Oath/Declaration

2.   The Applicant's oath/declaration has been reviewed by the Examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63.**

Information Disclosure Statement

3.   As required by **M.P.E.P. 609(C)**, the Applicant's submission of the Information Disclosure Statement dated June 20, 2005 is acknowledged by the Examiner. As required by **M.P.E.P 609 C(2)**, a copy of the PTOL-1449 initialed and dated by the Examiner is attached to the instant Office action.

Priority / Filing Date

4.   The Applicant does not claim for any foreign priority. The Examiner takes the PCT filing date of December 20, 2002 into consideration.

Abstract

5.   The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

6.   The abstract of the disclosure is objected due to excessive length of words. Examiner counted a total of 322 words, which exceeded the limit of 150 words in the abstract. Note that it is important that the abstract does not exceed

150 words in length since the space provided for the abstract on the computer

tape used by the printer is limited. Correction is required. See MPEP § 608.01(b).

7.   The abstract of the disclosure is further objected due to the use of implied

language. Note that in the abstract, the language should be clear and concise

and should not repeat information given in the title. It should avoid using phrases

which can be implied, such as, "The disclosure concerns," "The disclosure

defined by this invention," "The disclosure describes," etc... See MPEP

§ 608.01(b).

Note that in the abstract of this instant application, Applicant cites "*The

present invention provides a method for* ..." This citation clearly provokes the use

of implied language. Appropriate correction is required.

Drawings

8.   The drawings were received on June 20, 2005. These drawings are

acceptable for the examination purposes.

Specification

9.   The specification is objected to as failing to provide proper antecedent

basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP

§ 608.01(o).

The specification fails to provide a definition and/or limitation(s) for the

"*computer readable medium*" cited in **claim 33**, thus insufficiently supports the

claimed '*computer readable medium*'. Appropriate correction is required.

Claim Objections

10.   **Claims 27**, and **35** are objected to because of the following informalities:

the word 'assigned' is misspelled as 'assinged' on line 5 of **claim 27** and line 12

of **claim 35**. Appropriate correction is required.

Claim Rejections - 35 USC § 101

11.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or
> composition of matter, or any new and useful improvement thereof, may obtain a patent
> therefor, subject to the conditions and requirements of this title.

12.   **Claims 31-32, 34** are rejected under 35 U.S.C. 101 as being directed to

non-statutory subject matters.

Regarding **claim 31**, "*Software tool for organizing and retrieving of*

..." is being recited. However, "*software tool*" can easily be interpreted by

a person with ordinary skills in the art as software per se and functional

descriptive material consisting of data structures and computer

instructions, which impart functionality when employed as a computer

component. As such, the claim is not limited to statutory subject matters

and is therefore non-statutory.

Regarding **claim 32**, "*Computer program product for organizing*

and retrieving of ..." is being recited. However, "*computer program*

product" can easily be interpreted by a person with ordinary skills in the art

as software per se and functional descriptive material consisting of data

structures and computer instructions, which impart functionality when

employed as a computer component. As such, the claim is not limited to statutory subject matters and is therefore non-statutory.

The claims above lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When <u>functional</u> descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming <u>non</u>functional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical

application of the algorithm was in connection with the programming of a general purpose computer.")

Regarding **claim 34**, "*computer data signal embodied in a carrier wave and representing a program ...*" However, the claimed "*carrier wave*" is clearly drawn to a form of energy. Energy is not one of the four categories of invention and therefore this claim is not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore not a composition of matter.

Claim Rejections - 35 USC § 102

13.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined

under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C.

102(e)).

14.   **Claims 1-5, 13, 17, 27-28, 30-35, 37** and **39**, are rejected under 35

U.S.C. 102(e) as being anticipated by Brechner et al. (Pat. No. US 6,741,996,

filed on April 18, 2001; hereinafter Brechner).

Regarding **claim 1**, Brechner clearly shows and discloses a method

for organizing user provided information being available in a mobile

terminal device with meta-information for allowing retrieving of said user

provided information (*Abstract*); said method comprising:

obtaining said user provided information (*automatically*

locating the personal content and importing it into a user's personal

media database, [Column 6, Lines 3-6]), said user provided

information being obtained in consequence on any user operation

on said mobile terminal device (*organizing media clips on hand-*

held devices, pocket personal computing devices, [Column 4, Lines

23-29]);

obtaining context information being associated with said user

provided information (*a user might store a digital photograph file*

"beach1 jpg" that was taken with an OLYMPUS^{TM} digital camera on

the beach during a vacation to Hawaii in 1999 in a folder having a

path such as "C:/My Documents/My Photo/Digital

Camera/Olympus/Vacations+Hawaii1999Beach1.jpg." This path

would be parsed by the Clip Organizer software to identify

keywords for inclusion in the metadata for the file. These keywords

would include: "My Documents," "My Photos," "Digital Camera,"

"Olympus," "Vacations," "Hawaii," and "1999.", [Column 10, Lines

47-57]);

assigning meta-information obtained from said context

information to said user provided information (*as the content is*

being imported into database created by the Clip Organizer, it

simultaneously indexed the contents by adding keywords or

metadata based upon contextual information, [Column 6, Lines 6-

11]); and

storing said user provided information and said meta-

information in a history storage in order to establish an information

history functionality (*content is being imported into a database*

created by the Clip Organizer, metadata based on contextual

information is also added to enable a user to find the personal

content at a later time using a keyword search, [Column 6, Lines 6-

11]);

wherein said meta-information is employed for retrieval of

said user provided information by matching request information

provided with a retrieval request with said meta-information for

selecting a user provided information being assigned to said

matching meta-information (*The user could also specifically identify digital photographs relating to beach scenes by searching for metadata that include the word "beach" within the metadata associated with each of the files included within the collection hierarchy stored in the user's content database*, [Column 11, Lines 11-23]).

Regarding **claim 2**, Brechner further discloses said assigning comprises:

extracting meta-information from said context information (*as the content is being imported into database created by the Clip Organizer, it simultaneously indexed the contents by adding keywords or metadata based upon contextual information*, [Column 6, Lines 6-11]); and

assigning said meta-information to said user provided information (*content is being imported into a database created by the Clip Organizer, metadata based on contextual information is also added to enable a user to find the personal content at a later time using a keyword search*, [Column 6, Lines 6-11]);

Regarding **claim 3**, Brechner further discloses said obtaining of said user provided information comprises:

receiving user input information being generated by user operation of any input means and/or

receiving transaction information and/or communication information being received via any communication interface (*accessing those media files can be done with computing devices in distributed computing environments that include remote processing devices linked through a communication network*, [Column 4, Lines 29-32]),

wherein said user input information and/or transaction information and/or communication information represent said user provided information (*media files generated from digital cameras, web site image files, home video editing files, sound files, and other types of user media content are stored on a hard drive*, [Column 1, Lines 14-18]).

Regarding **claim 4**, Brechner further discloses said assigning of said meta-information to said user provided information comprises:

extracting labeling information and/or indexing information from said context information (*a user might store a digital photograph file "beach1 jpg" that was taken with an OLYMPUS™ digital camera on the beach during a vacation to Hawaii in 1999 in a folder having a path such as "C:/My Documents/My Photo/Digital*

Camera/Olympus/Vacations+Hawaii1999Beach1.jpg." This path

would be parsed by the Clip Organizer software to identify

keywords for inclusion in the metadata for the file. These keywords

would include: "My Documents," "My Photos," "Digital Camera,"

"Olympus," "Vacations," "Hawaii," and "1999.", [Column 10, Lines

47-57]);

assigning said labeling information and/or indexing

information to said user provided information (*as the content is*

being imported into database created by the Clip Organizer, it

simultaneously indexed the contents by adding keywords or

metadata based upon contextual information, [Column 6, Lines 6-

11]); and

storing said labeling information and/or indexing information

and said user provided information (*content is being imported into a*

database created by the Clip Organizer, metadata based on

contextual information is also added to enable a user to find the

personal content at a later time using a keyword search, [Column 6,

Lines 6-11]);

wherein said labeling information and/or indexing information

is employed as said meta-information for establishing retrieval

functionality of said user input history (*The user could also*

specifically identify digital photographs relating to beach scenes by

searching for metadata that include the word "beach" within the

metadata associated with each of the files included within the

collection hierarchy stored in the user's content database, [Column

11, Lines 11-23]).

Regarding **claim 5**, Brechner further discloses said associating

comprises:

generating referencing information for at least a part of said

user provided information (*each collection in the database is*

associated a full path that indicates the location on the hard drive of

the collection, [Column 9, Lines 53-55]);

storing said referencing information in a first storage area

(*the original media file with full path address would serve as a*

reference in order to import that file into the database created by

Clip Organizer, [Column 9, Lines 48-59]); and

storing said part of said user provided information in a

second storage area; wherein said referencing information

comprises address information which allow to retrieve said part of

user provided information from said second storage area (*Provision*

of this full path is important, because it sets up an import and

indexing component and a browse import component, [Column 9,

Lines 55-65]).

Regarding **claim 13**, Brechner further discloses a method for organizing user provided audio information with meta-information, said method comprising:

obtaining said user provided information including said user provided audio information and in parallel additional user provided information, said user provided audio information being recorded and stored (*media files generated from digital cameras, web site image files, home video editing files, sound files, and other types of user media content are stored on a hard drive*, [Column 1, Lines 14-18]);

obtaining said context information in parallel to said user provided audio information, said context information comprising user input information generated in consequence to user action against said mobile terminal device (*a user might store a digital photograph file "beach1 jpg" that was taken with an OLYMPUS^TM digital camera on the beach during a vacation to Hawaii in 1999 in a folder having a path such as "C:/My Documents/My Photo/Digital Camera/Olympus/Vacations+Hawaii1999Beach1.jpg." This path would be parsed by the Clip Organizer software to identify keywords for inclusion in the metadata for the file. These keywords would include: "My Documents," "My Photos," "Digital Camera,"*

"Olympus," "Vacations," "Hawaii," and "1999.", [Column 10, Lines
47-57]); and

generating meta-information comprising information about
said additional user provided information and said context
information (*as the content is being imported into database created
by the Clip Organizer, it simultaneously indexed the contents by
adding keywords or metadata based upon contextual information*,
[Column 6, Lines 6-11]).

Regarding **claim 17**, Brechner further discloses said meta-
information is displayed by assigning graphical elements to each
information entry included in said meta-information and predicting said
graphical elements illustrating the content of the meta-information and
showing associations defined in said meta-information (*Figure 10*).

Regarding **claim 27**, Brechner further discloses a method for
retrieving user provided information being organized, comprising:

receiving a request for retrieving, said request comprising
request information for instructing to retrieve certain user provided
information (*If the user wants to search for keywords in the
metadata associated with the media files, the user will enter the
likely keywords in a text block 354*, [Column 15, Lines 37-44]);

comparing said request information with said meta-information being assinged to said user provided information which is provided by said information history functionality (*In this example, the user has entered the text "Vacation," indicating that any media file having that text string in its path and thus automatically included in the metadata for the file as a result of the automatic indexing of the media files will be located by the search*, [Column 15, Lines 37-44]);

retrieving said user provided information being assigned to said meta-information which matches (*any media file that has the searched word "Vacation" in its metadata will be located by the search*, [Column 15, Lines 37-44]);

generating a response comprising said retrieved user provided information (*When the Search control is selected, a list of all media files meeting the desired criteria will be displayed to the user*, [Colum 15, Lines 53-55]); and

transmitting said response (*the search results are displayed on the monitor*, [Column 15, Lines 53-55] and Figure 1).

Regarding **claim 28**, Brechner further discloses said retrieving of said user provided information comprises:

retrieving referencing information being associated with said

user provided information to be retrieved, said referencing

information comprising address information which addresses said

part of user provided information being stored in a second storage

area (*a user might store a digital photograph file "beach1 jpg" that*

was taken with an OLYMPUS^{TM} digital camera on the beach during

a vacation to Hawaii in 1999 in a folder having a path such as

"C:/My Documents/My Photo/Digital

Camera/Olympus/Vacations+Hawaii1999Beach1.jpg." This path

would be parsed by the Clip Organizer software to identify

keywords for inclusion in the metadata for the file. These keywords

would include: "My Documents," "My Photos," "Digital Camera,"

"Olympus," "Vacations," "Hawaii," and "1999.", [Column 10, Lines

47-57]); and

retrieving said part of user provided information from said

second storage area (*The user could also specifically identify digital*

photographs relating to beach scenes by searching for metadata

that include the word "beach" within the metadata associated with

each of the files included within the collection hierarchy stored in

the user's content database, [Column 11, Lines 11-23]).

Regarding **claim 30**, Brechner clearly shows and discloses a

method for providing storage capacity for organizing user provided

information being provided with meta-information (*Abstract*), comprising:

providing storage capacity for storing by:

receiving a request for storing at least a part of user

provided information from a mobile terminal device

performing said method for organizing user provided

information with meta-information (*Figure 11 shows an*

interface to organize selected media clips on command. This

interface could be displayed on hand-held devices, pocket

personal computing devices, [Column 4, Lines 23-29]), said

request comprising said part of user provided information

and referencing information to be stored (*Figure 11, #324 &*

#326);

storing said part of said user provided information and

said referencing information such that said part of said user

provided information is retrievable in conjunction with said

referencing information (*a user might store a digital*

photograph file "beach1 jpg" that was taken with an

OLYMPUS^{TM} digital camera on the beach during a vacation

to Hawaii in 1999 in a folder having a path such as "C:/My

Documents/My Photo/Digital

Camera/Olympus/Vacations+Hawaii1999Beach1.jpg." This

path would be parsed by the Clip Organizer software to

identify keywords for inclusion in the metadata for the file.

These keywords would include: "My Documents," "My

Photos," "Digital·Camera," "Olympus," "Vacations," "Hawaii,"

and "1999.", [Column 10, Lines 47-57]).

providing retrieval capability for retrieving by:

receiving a request for retrieving at least a part of user

provided information from a mobile terminal device

performing said method for organizing user provided

information with meta-information, said request comprising

referencing information (*If the user wants to search for*

keywords in the metadata associated with the media files,

the user will enter the likely keywords in a text block 354,

[Column 15, Lines 37-44]);

retrieving said part of said user provided information

in accordance with said referencing information (*In this*

example, the user has entered the text "Vacation," indicating

that any media file having that text string in its path and thus

automatically included in the metadata for the file as a result

of the automatic indexing of the media files will be located by

the search, [Column 15, Lines 37-44]);

generating a response including said retrieved part of

said user provided information (*When the Search control is*

selected, a list of all media files meeting the desired criteria

will be displayed to the user, [Colum 15, Lines 53-55]); and

transmitting said response to said mobile terminal

device (*the search results are displayed on the monitor*,

[Column 15, Lines 53-55] and Figure 1).

Regarding **claim 31**, Brechner clearly shows and discloses

software tool for organizing and retrieving of user provided information

with meta-information, comprising program portions for carrying out the

operations of any one of the **claims 1** to **30**, when said program is

implemented in a computer program for being executed on a processing

device, a networked device, a networked server, a terminal device or a

communication terminal device (*computer instructions*, [Column 4, Lines

12-17]).

Regarding **claim 32**, Brechner clearly shows and discloses

computer program product for organizing and retrieving of user provided

information with meta-information, comprising loadable program code

sections for carrying out the operations of any one of the **claims 1** to **30**,

when said computer program is executed on a processing device, a

networked device, a networked server, a terminal device or a

communication terminal device (*computer instructions*, [Column 4, Lines 12-17]).

Regarding **claim 33**, Brechner clearly shows and discloses computer program product for organizing and retrieving of user provided information with meta-information, wherein said computer program product is comprising program code sections stored on a computer readable medium for carrying out the method of any one of the **claims 1** to **30**, when said computer program product is executed on a processing device, a networked device, a networked server, a terminal device or a communication terminal device (*computer instructions*, [Column 4, Lines 12-17]).

Regarding **claim 34**, Brechner clearly shows and discloses computer data signal embodied in a carrier wave and representing a program which, when executed by a processor, causes the method of any one of **claims 1** to **30** to be carried out (*other types of computer-readable media, which can store data that is accessible by a computer*, [Column 4, Line 58 – Column 5, Line 6]).

Regarding **claim 35**, Brechner clearly shows and discloses mobile terminal device being capable to organize user provided information with meta-information (*Figure 1*), comprising:

a component (*Figure 1*) for obtaining said user provided

information and context information being associated with said user

provided information, said user provided information being obtained

in consequence on any user operation against said mobile terminal

device (*a user might store a digital photograph file "beach1.jpg" that*

was taken with an OLYMPUS^{TM} digital camera on the beach during

a vacation to Hawaii in 1999 in a folder having a path such as

"C:/My Documents/My Photo/Digital

Camera/Olympus/Vacations+Hawaii1999Beach1.jpg." This path

would be parsed by the Clip Organizer software to identify

keywords for inclusion in the metadata for the file. These keywords

would include: "My Documents," "My Photos," "Digital Camera,"

"Olympus," "Vacations," "Hawaii," and "1999.", [Column 10, Lines

47-57]);

a component (*Figure 1*) for assigning meta-information

obtained from said context information (*as the content is being*

imported into database created by the Clip Organizer, it

simultaneously indexed the contents by adding keywords or

metadata based upon contextual information, [Column 6, Lines 6-

11]) including:

a storage component (*Figure 1*) for a storing said user

provided information and said meta-information (*content is*

being imported into a database created by the Clip

Organizer, metadata based on contextual information is also

added to enable a user to find the personal content at a later

time using a keyword search, [Column 6, Lines 6-11]);

wherein said meta-information is employed for

retrieval of said user provided information by matching

request information provided with a retrieval request with

said meta-information for selecting a user provided

information being assinged to said matching meta-

information (*The user could also specifically identify digital*

photographs relating to beach scenes by searching for

metadata that include the word "beach" within the metadata

associated with each of the files included within the

collection hierarchy stored in the user's content database,

[Column 11, Lines 11-23]).

Regarding **claim 37**, Brechner further discloses:

a component (*Figure 1*) for obtaining said user provided

audio information and additional user provided information (*a user*

might store a digital photograph file "beach1 jpg" that was taken

with an OLYMPUS^{TM} digital camera on the beach during a vacation

to Hawaii in 1999 in a folder having a path such as "C:/My

Documents/My Photo/Digital

Camera/Olympus/Vacations+Hawaii1999Beach1.jpg." This path

would be parsed by the Clip Organizer software to identify

keywords for inclusion in the metadata for the file. These keywords

would include: "My Documents," "My Photos," "Digital Camera,"

"Olympus," "Vacations," "Hawaii," and "1999.", [Column 10, Lines

47-57]);

a component (Figure 1) for recording said user provided

audio information (before the sound/media files were stored on a

computer's hard drive, it is inherent that the files had been

recorded/downloaded/transferred from other sources, [Column 1,

Lines 13-16]);

a storage component for storing said user provided audio

information (hard drive, [Column 1, Lines 13-16]);

a component (Figure 1) for obtaining context information in

parallel to said user provided audio information, said context

information comprising user input information generated in

consequence on a user action against said mobile terminal device

(a user might store a digital photograph file "beach1 jpg" that was

taken with an OLYMPUS^{TM} digital camera on the beach during a

vacation to Hawaii in 1999 in a folder having a path such as "C:/My

Documents/My Photo/Digital

Camera/Olympus/Vacations+Hawaii1999Beach1.jpg." This path

would be parsed by the Clip Organizer software to identify

keywords for inclusion in the metadata for the file. These keywords

would include: "My Documents," "My Photos," "Digital Camera,"

"Olympus," "Vacations," "Hawaii," and "1999.", [Column 10, Lines

47-57]); and

a component (*Figure 1*) for generating meta-information

comprising information about said additional user provided

information and said context information (*as the content is being*

imported into database created by the Clip Organizer, it

simultaneously indexed the contents by adding keywords or

metadata based upon contextual information, [Column 6, Lines 6-

11]).

Regarding **claim 39**, Brechner clearly shows and discloses storage

device capable to provide storage capacity for organizing user provided

information being provided with meta-information (*Figure 1*), comprising:

a interface component for receiving a request for storing, for

receiving a request for retrieving and for transmitting a response in

consequence on said request for retrieving (*A user may enter*

commands and information into PC 20 through input devices such

as a keyboard 40, and through a separate pointing device 42. Other

input devices (not shown) may include a microphone, joystick,

game pad, satellite dish, scanner, or the like. These and other input

devices are often connected to processing unit 21 through an

input/output (I/O) interface 46 that is coupled to the system bus.

The term I/O interface is intended to encompass each interface

correspondingly used for a serial port, a parallel port, a game port,

an infrared port, a radio frequency port, and/or a universal serial

bus (USB) port, [Column 5, Lines 6-17]);

wherein said request for storing is a request for storing at

least a part of user provided information from a mobile terminal

device performing a method for organizing user provided

information with meta-information (*Figure 11 shows an interface to*

organize selected media clips on command. This interface could be

displayed on hand-held devices, pocket personal computing

devices, [Column 4, Lines 23-29]), said request comprising said

part of said user provided information and referencing information

to be stored (*Figure 11, #324 & #326*);

wherein said request for retrieving is a request for retrieving

at least a part of user provided information from said mobile

terminal device performing a method for organizing user provided

information with meta-information, said request comprising

referencing information (*If the user wants to search for keywords in*

the metadata associated with the media files, the user will enter the

likely keywords in a text block 354, [Column 15, Lines 37-44]);

a storage component (*Figure 1*) for storing said part of said

user provided information and said referencing information such

that said part of said user provided information is retrievable in

conjunction with said referencing information (*a user might store a*

digital photograph file "beach1 jpg" that was taken with an

OLYMPUS^{TM} *digital camera on the beach during a vacation to*

Hawaii in 1999 in a folder having a path such as "C:/My

Documents/My Photo/Digital

Camera/Olympus/Vacations+Hawaii1999Beach1.jpg." This path

would be parsed by the Clip Organizer software to identify

keywords for inclusion in the metadata for the file. These keywords

would include: "My Documents," "My Photos," "Digital Camera,"

"Olympus," "Vacations," "Hawaii," and "1999.", [Column 10, Lines

47-57]);

a component (*Figure 1*) for retrieving said part of said user

provided information being requested with said request for

retrieving in accordance with said referencing information (*If the*

user wants to search for keywords in the metadata associated with

the media files, the user will enter the likely keywords in a text block

354. In this example, the user has entered the text "Vacation,"

indicating that any media file having that text string in its path and

thus automatically included in the metadata for the file as a result of

the automatic indexing of the media files will be located by the

search, [Column 15, Lines 37-44]); and

a component (*Figure 1*) for generating a response including

said retrieved part of said user provided information (*When the*

Search control is selected, a list of all media files meeting the

desired criteria will be displayed to the user, [Colum 15, Lines 53-

55]).

Claim Rejections - 35 USC § 103

15.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or
described as set forth in section 102 of this title, if the differences between the subject matter
sought to be patented and the prior art are such that the subject matter as a whole would
have been obvious at the time the invention was made to a person having ordinary skill in the
art to which said subject matter pertains. Patentability shall not be negatived by the manner
in which the invention was made.

16.   This application currently names joint inventors. In considering

patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that

the subject matter of the various claims was commonly owned at the time any

inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

and invention dates of each claim that was not commonly owned at the time a

later invention was made in order for the examiner to consider the applicability of

35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35

U.S.C. 103(a).

17.   **Claims 6-9, 11-12, 29**, and **36**, are rejected under 35 U.S.C. 103(a) as

being unpatentable over Brechner et al. (Pat. No. US 6,741,996, filed on April 18,

2001; hereinafter Brechner) in view of Vronay et al. (Pub. No. US 2003/0156138,

filed on June 28, 2002; hereinafter Vronay).

Regarding **claim 6**, Brechner does not disclose the limitations of

this instant claim.

Vronay discloses a method for organizing user provided information

with meta-information obtained from calendar information (*Abstract*), said

method comprising:

obtaining said calendar information from an electronic

calendar implemented in said mobile terminal device (*calendar-*

based interface system may be implemented as software that is

stored on and executed by one or more computers such as

handheld devices, digital cellular telephone etc., [0022]), said

calendar information representing context information (*Table 1A*

shows a list of exemplary information that may be obtained by

system activity monitor 102 and stored in calendar system

database 104, [0026]);

matching said calendar information and said user provided

information for (*system activity monitor 102 may obtain the*

information about the objects with which a computer user interacts,

determine whether the objects are new or unique relative to other objects listed in calendar system database 104 (e.g., based upon a unique object identifier), and aggregate or store the activities in calendar system database 104 in association with the unique object identifier of the object, [0026]);

obtaining meta-information from said calendar information (*determine whether the objects are new or unique relative to other objects listed in calendar system database 104 (e.g., based upon a unique object identifier), and aggregate or store the activities in calendar system database 104 in association with the unique object identifier of the object,* [0026]); and

assigning said meta-information to said user provided information (*Calendar system database 104 stores information (e.g., "metadata") about computer files stored on and activities carried out on a computer or computing device. The metadata may include conventional information, such as is conventional for computer-generated documents, including when the file was created, who created it, and a modification history,* [0025]).

It would have been obvious to a person with ordinary skills in the art at the time of the invention was made to incorporate the teachings of Vronay with the teachings of Brechner for the purpose of searching past events and computer information processed on the computer without

direct user input by providing a user interface that displays various types

of information in the context of a calendar to provide users with event

associations ([0007] of Vronay).

Regarding **claim 7**, Vronay further discloses, wherein said

obtaining of meta-information from said calendar information comprises:

obtaining a first time information in accordance with said

user provided information (*a calendar-based interface system of*

this invention automatically integrates time-based information with

metadata tagging to determine relationships between computer

information (e.g., a family vacation may be associated with when

vacation photos were taken and subsequently shared), [0006]);

obtaining a plurality of calendar entries included in said

calendar information, each calendar entry comprising a second

time information, (*subsequent use of the pictures are also tagged*

with time-based in formation, [0006]);

matching said first time information and each of said second

time information for (*The user context can be determined*

automatically, for example, by monitoring the user's computer

activities and identifying from metadata associated with the

computer activities what information is currently relevant to the

user, [0006]);

obtaining meta-information from each matching calendar

entry of said plurality of calendar entries (*The context-specific*

calendar display can further be used by the user to form a query for

accessing relating information, [0006]); and

storing said user provided information and said meta-

information in said history storage in order to establish said

information history functionality (*the calendar-based interface*

system of this invention utilizes a calendar as a dynamic application

that does not require direct user input and can function as a tool for

searching past events and computer information processed on the

computer, [0007]).

Regarding **claim 8**, Vronay further discloses, wherein said

obtaining of meta-information from each matching calendar entry

comprises:

assigning a membership function to said second time

information (*for a given target file and a collection of other files,*

there exists a similarity ranking between them, [0028]);

deriving a membership grade value from said membership

function in accordance with said first time information (*the*

association or similarities may relate to objects or files having

shared content, occurring at similar times or similar computer

locations, being sent to or received from a common person, are

linked together, [0029]); and

assigning said membership grade value to said user

provided information; said membership grade value defining a

measure which allows to estimate a reliability for retrieval (*A*

chunking system 108 uses the degrees of similarity or association

determined by similarity or association system 106 for an arbitrarily

large set of objects or files and groups or "chunks" them into a

specified number of sub-groups. For instance, given 100 photos,

chunking system 108 could separate them into any number of sub-

groups or chunks based on one or more criteria such as the dates

they were taken, or who is in the photos, [0032]).

Regarding **claim 9**, Vronay further discloses in case said first time

information relates to a first period of time:

partitioning said user provided information into a plurality

information parts, each information part relates to a maximum pre-

defined period of time, each information part being matched

separately (*different types of documents, files, or objects can have*

different types of similarity. For instance, two photos can look

similar, could be taken at similar times, event, could be parts of the

same photo (e.g., one could have been cut from the other), [0029].

Note that Table 1C shows a condition of similarity based on the

maximum date).

Regarding **claim 11**, Vronay further discloses said second period of

time includes certain pre-defined overhead periods of time which are

appended to the beginning of said second period of time and to the ending

of said second period of time *(Figure 4 shows a user query 400 having*

been entered into the "when" segment or tab 302 of calendar search user

interface 300. For example, the user can graphically select a day or a date

range query 400 that forms the basis for a query a query of calendar

system database 104. In this illustration, the selected date range 400

corresponds to Feb. 20-22, 2002, [0050]).

Regarding **claim 12**, Vronay further discloses each of said plurality

of calendar entries being included in said calendar information is

semantically structured and said obtaining of meta-information from each

matching calendar entry *(Figure 11)* comprises:

obtaining of meta-information from each of said matching

semantically structured calendar entry *(Figure 11 shows a search*

result for the term "Project Orcas" being displayed with each

corresponding date that is related to the project).

Regarding **claim 29**, Vronay further discloses, wherein said

retrieving of said user provided information comprises:

evaluating said user provided information being retrieved on the basis of said membership grade values obtained from calendar entries (*the association or similarities may relate to objects or files having shared content, occurring at similar times or similar computer locations, being sent to or received from a common person, are linked together,* [0029]);

said membership grade value defining a measure which allows to estimate a reliability for retrieval (*A chunking system 108 uses the degrees of similarity or association determined by similarity or association system 106 for an arbitrarily large set of objects or files and groups or "chunks" them into a specified number of sub-groups. For instance, given 100 photos, chunking system 108 could separate them into any number of sub-groups or chunks based on one or more criteria such as the dates they were taken, or who is in the photos,* [0032]).

Regarding **claim 36**, Vronay further discloses a mobile terminal device comprising:

a component ([0073]) for obtaining said calendar information from an electronic calendar implemented in said mobile terminal device (*calendar-based interface system may be implemented as software that is stored on and executed by one or more computers such as handheld devices, digital cellular telephone etc.,* [0022]),

said calendar information representing context information (*Table*

1A shows a list of exemplary information that may be obtained by

system activity monitor 102 and stored in calendar system

database 104, [0026]);

a component ([0073]) for matching said calendar information

and said user provided information (*system activity monitor 102*

may obtain the information about the objects with which a computer

user interacts, determine whether the objects are new or unique

relative to other objects listed in calendar system database 104

(e.g., based upon a unique object identifier), and aggregate or store

the activities in calendar system database 104 in association with

the unique object identifier of the object, [0026]); and

a component ([0073]) for obtaining meta-information from

said matching calendar information (*determine whether the objects*

are new or unique relative to other objects listed in calendar system

database 104 (e.g., based upon a unique object identifier), and

aggregate or store the activities in calendar system database 104 in

association with the unique object identifier of the object, [0026]).

18.   **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Brechner et al. (Pat. No. US 6,741,996, filed on April 18, 2001; hereinafter

Brechner) in view of Vronay et al. (Pub. No. US 2003/0156138, filed on June 28,

2002; hereinafter Vronay) and further in view of Gupta et al. (Pat. No. US

6,484,156, filed on September 15, 1999; hereinafter Gupta).

Regarding **claim 10**, Brechner, as modified by Vronay, does not

disclose the limitations of this instant claim.

Gupta discloses in case said first time information relates to a first

period of time and said second time information relates to a second period

of time; and in case said first period of time exceeds said second period of

time (*Figure 10 shows a target file is being divided into multiple segments,*

each segment has a corresponding play time, [Column 8, Lines 10-23]):

sectioning said user provided information into at least two

information sections, one of said at least two information sections

fitting with said second period of time, said one fitting information

section being matched (*Figure 10 shows if the search time from*

000:04:08.262 to 000:11:00.14 matches a segment, that segment

will be retrieved when the 'Play' button is pressed. See further

Figure 4 for all searchable fields in an annotation entry).

It would have been obvious to a person with ordinary skills in the art

at the time of the invention was made to incorporate the teachings of

Gupta with the teachings of Brechner, as modified by Vronay, for the

purpose of providing easy access to different multimedia streams by using

a group identifier to identify all of the multimedia streams and their

corresponding annotations ([Column 2, Lines 34-46] of Gupta).

19.   **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Brechner et al. (Pat. No. US 6,741,996, filed on April 18, 2001; hereinafter

Brechner) in view of Asazu (Pub. No. 2001/0049691, published on December 6,

2001).

Regarding **claim 14**, Brechner further discloses said user input

information comprises control signals related to said recording of said user

provided audio information:

on receiving a keyword signal: initiating a recording of a user

provided audio keyword information including keywords relating to

said user provided audio information (*the file suffix is added as a*

keyword in the metadata for the file in a block 180. The suffix is the

media file extension, such as "wav" for audio files in the wave

format, [Column 10, Lines 32-44]);

Asazu discloses:

on receiving a start signal: initiating said recording and

storing of said user provided audio information (*The following*

processing is executed in response to the query #2. Firstly, the QT

plug-in component 14 calls a function of start ( ) to the recorder 25

to issue an instruction to start recording of media data.

Subsequently, the recorder 25 notifies the logger 24 of the

instruction to start recording of media data, [0068]);

on receiving an attach signal: associating additional

information with said user provided audio information (*In this case,*

the recorder 25 calls a function of notify ( ) to the recording

manager 26 whenever each frame is processed. The recording

manager 26 activates the DA plug-in component 15 registered by

the system in advance per frame data. Each DA plug-in component

15 executes an analysis of frame data to create meta-data, [0068]);

on receiving a pause signal: pausing said recording and

storing of said user provided audio information (*The following*

processing is executed in response to the query #3. The QT plug-in

component 14 calls a function of stop ( ) to the recorder 25 to issue

an instruction to stop recording of media data. The recorder 25

stops recording of media data, while notifying the logger 25 that

recording of media data is stopped, [0069]);

on receiving a continue signal: resuming said recording and

storing of said user provided audio information subsequently to said

pausing of said recording and storing (*the processing for acquiring*

the information relating to meta-data is interrupted for the duration

of the above access until the end of the other transaction.

Thereafter, the QT plug-in component 14 resumes the processing

to acquire the information relating to the required meta-data, [0078].

It is also very well-known in the art that resuming a paused

recording part would start at the pausing point like in a digital voice

recorder); and

on receiving a stop signal: stopping said recording and

storing of said user provided audio information and generating said

recording context information (*The QT plug-in component 14 calls a*

function of commit ( ) to the recorder 25, resulting in completion of

recording of media data. It is to be understood that calling a

function of abort ( ) instead of the function of commit ( ) aborts all

the media data and meta-data recorded or created in this session

after calling of the function of start ( ), and the system is restored to

its original state, [0069]).

It would have been obvious to a person with ordinary skills in the art

at the time of the invention was made to incorporate the teachings of

Asazu with the teachings of Brechner for the purpose of providing media

data management functions including replaying, readout, recording,

deletion and synthesis of media data by the use of meta-data ([0013] and

Abstract of Asazu).

20.   **Claims 15-16** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Brechner et al. (Pat. No. US 6,741,996, filed on April 18, 2001; hereinafter

Brechner) in view of Gupta et al. (Pat. No. US 6,484,156, filed on September 15,

1999; hereinafter Gupta).

Regarding **claim 15**, Brechner, as modified by Vronay, does not

explicitly disclose the limitations of this instant claim.

Gupta discloses a recording context information at least including:

information and time information about said user provided

audio information (*Figure 4, see Time Range #184*);

time information about said user input information *Figure 4,*

see Creation Time #188); and

information about said additional user provided information

being associated with the user provided audio information (*Figure 5*

shows the annotation entry used to associate with the media).

It would have been obvious to a person with ordinary skills in the art

at the time of the invention was made to incorporate the teachings of

Gupta with the teachings of Brechner for the purpose of providing easy

access to different multimedia streams by using a group identifier to

identify all of the multimedia streams and their corresponding annotations

([Column 2, Lines 34-46] of Gupta).

Regarding **claim 16**, Gupta further discloses said generating of

said recording context information comprises:

encoding said meta-information as a document being

encoded in accordance with a markup language (*communication*

between client 15 and server 10 is performed via HTTP, using

commands encoded as Uniform Resource Locators (URLs) and

data formatted as object linking and embedding (OLE) structured

storage documents, or alternatively using Extensible Markup

Language (XML), [Column 6, Lines 9-15]).

21.   **Claims 18**, **20**, **23**, and **38**, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Brechner et al. (Pat. No. US 6,741,996, filed on April 18, 2001;

hereinafter Brechner) in view of Tecu et al. (Pub. No. US 2004/0034655, filed on

July 17, 2002; hereinafter Tecu).

Regarding **claim 18**, Brechner does not disclose a method

comprising:

providing a set of code bases representing a plurality of

coding symbols (*frequency data 60 in Figure 1*), each code base of

said set of code bases comprising a pre-defined number of pre-

defined frequencies (*At step 114, encoder routine 26 selects the*

frequencies 62 for encoding metadata 40. For example, encoder

routine 26 may access frequency data 60 to acquire one or more

default frequencies 62 for encoding metadata 40. Frequency data

60 may also comprise one or more frequencies 62 selected by a

user of system 10 for encoding metadata 40, 0027]);

mapping said meta-information into said a plurality of coding

symbols (*At step 116, encoder routine 26 designates metadata 40*

to be encoded at each of the selected frequencies 62. For example,

each type of metadata 40 to be included in the particular data

stream 32 may be encoded at each of a plurality of designated

frequencies 62, [0028]); and

combining said user provided audio information and said

mapped meta-information by embedding said mapped meta-

information into said user provided audio information (*encoder*

routine 26 may also populate initial portions of audio data 34 with

information identifying the encoding frequencies 62, intensity levels

72, [0029]).

It would have been obvious to a person with ordinary skills in the art

at the time of the invention was made to incorporate the teachings of Tecu

with the teachings of Brechner for the purpose of encoding metadata at a

plurality of predetermined intensity levels at a human-inaudible frequency

and populating the audio data of the data stream with the encoded

metadata using an encoder routine accessible by the processor ([0003] of

Tecu).

Regarding **claim 20**, Tecu further discloses said providing of said

set of code bases comprises:

providing a set of code bases within a first frequency range, said first frequency range being one frequency range of a plurality of frequency ranges (*frequency data 60 in Figure 1, range is 20kHz or greater to render inaudible to human hearing*, [0019]);

mapping said set of code bases into each frequency range of a plurality of frequency ranges, said plurality of frequency ranges forming a total frequency range being applicable to said user provided audio information (*encoder routine 26 may encode metadata 40 at a frequency 62 generally inaudible or imperceptible to human hearing such that the encoded metadata 40 does not detrimentally affect audio data 34 audible to human hearing*, [0019]).

Regarding **claim 23**, Tecu further discloses a method for extracting meta-information from an audio information having embedded said meta-information, said method comprising:

providing a correlation basis comprising each frequency being included in a set of code bases representing a plurality of coding symbols (*Figure 1, frequency data 60*), said coding symbols being employed for coding said meta-information (*relational data 50 may be generated after decoding of metadata 40 by decoder routine 28, or relational data 50 may be generated upon encoding*

or insertion of metadata 40 into a particular data stream 32, [0021]);

and

applying said correlation basis onto said audio information

having embedded said meta-information to extract said meta-

information (*Processor 16 also generates relational data 50*

corresponding to the encoded metadata 40 such that metadata 40

may be correlated to particular data streams 32, [0021]);

said extracted meta-information being available for retrieval

(*search engine 20 may be used to quickly and efficiently locate a*

particular data stream 32 using search parameters corresponding

to metadata 4, [0021]).

Regarding **claim 38**, Tecu further discloses:

a set of code bases representing a plurality of coding

symbols (*frequency data 60 in Figure 1*), each code base of said

set of code bases comprising a pre-defined number of pre-defined

frequencies (*At step 114, encoder routine 26 selects the*

frequencies 62 for encoding metadata 40. For example, encoder

routine 26 may access frequency data 60 to acquire one or more

default frequencies 62 for encoding metadata 40. Frequency data

60 may also comprise one or more frequencies 62 selected by a

user of system 10 for encoding metadata 40, 0027]);

a component ([0012]) for mapping said meta-information into

said a plurality of coding symbols (*At step 116, encoder routine 26*

designates metadata 40 to be encoded at each of the selected

frequencies 62. For example, each type of metadata 40 to be

included in the particular data stream 32 may be encoded at each

of a plurality of designated frequencies 62, [0028]); and

a component ([0012]) for obtaining a user provided audio

information having embedded said meta-information by embedding

said mapped meta-information into said user provided information

(*encoder routine 26 may also populate initial portions of audio data*

34 with information identifying the encoding frequencies 62,

intensity levels 72, [0029]).

22.   **Claims 19**, **21-22**, **24** and **26**, are rejected under 35 U.S.C. 103(a) as

being unpatentable over Brechner et al. (Pat. No. US 6,741,996, filed on April 18,

2001; hereinafter Brechner) in view of Tecu et al. (Pub. No. US 2004/0034655,

filed on July 17, 2002; hereinafter Tecu) and further in view of Tsuruoka (Pat. No.

US 6,192,056, published on February 20, 2001).

Regarding **claim 19**, Brechner, as modified by Tecu, discloses said

combining comprises:

obtaining a modulation signal from said mapped meta-information

(*intensity data 70 having information associated with encoded metadata*

40. For example, in the illustrated embodiment, intensity data 70

comprises signal amplitude or intensity levels 72 used to encode metadata

40 such that various intensity levels 72 may be used to designate a

particular bit pattern of information, [0017] of Tecu).

The combination of Brechner and Tecu does not disclose the other

limitations.

Tsuruoka discloses:

obtaining a modulated signal by combining said user

provided audio information and said modulation signal in a

frequency domain (*a modulated signal using a multiplicity of*

carriers whose frequency components are in an orthogonal

relationship with one another, encodes data such as audio data or

the like, and the encoded data are allocated to each carrier, thereby

modulating each carrier, a digital signal in the frequency domain

comprised of each modulated carrier is inverse fast Fourier

transformed into a digital signal in a time domain, [Column 1, Lines

23-31]); and

obtaining said user provided audio information having

embedded said meta-information by combining said modulated

signal with said user provided audio information in a time domain

(*On its demodulating side, by A/D converting such an OFDM*

modulated signal and then applying the fast Fourier transform to

the A/D converted signal, the encoded data allocated to each

carrier is obtained, [Column 1, Lines 28-31]).

It would have been obvious to a person with ordinary skills in the art

at the time of the invention was made to incorporate the teachings of

Tsuruoka with the teachings of Brechner, as modified by Tecu, for the

purpose of demodulating a digital orthogonal frequency division multiplex

modulated signal in which an information signal modulates a plurality of

carriers whose frequency components are in an orthogonal relationship

with one another using OFDM (Orthogonal Frequency Division Multiplex)

modulation ([Column 1, Lines 14-22] of Tsuruoka).

Regarding **claim 21**, Tsuruoka further discloses said obtaining of

said modulated signal comprises:

obtaining said modulated signal by multiplying said user

provided audio information and said modulation signal in said

frequency domain (*a modulated signal using a multiplicity of*

carriers whose frequency components are in an orthogonal

relationship with one another, encodes data such as audio data or

the like, and the encoded data are allocated to each carrier, thereby

modulating each carrier, a digital signal in the frequency domain

comprised of each modulated carrier is inverse fast Fourier

transformed into a digital signal in a time domain, [Column 1, Lines

23-31]).

Regarding **claim 22**, Tsuruoka further discloses said obtaining of said user provided audio information having embedded said meta-information comprises:

obtaining said user provided audio information having embedded said meta-information by adding said modulation signal and said original audio signal in said time domain (*On its demodulating side, by A/D converting such an OFDM modulated signal and then applying the fast Fourier transform to the A/D converted signal, the encoded data allocated to each carrier is obtained*, [Column 1, Lines 28-31]).

Regarding **claim 24**, Brechner, as modified by Tecu, discloses said applying comprises:

obtaining a modulation signal from said correlation basis (*intensity data 70 having information associated with encoded metadata 40. For example, in the illustrated embodiment, intensity data 70 comprises signal amplitude or intensity levels 72 used to encode metadata 40 such that various intensity levels 72 may be used to designate a particular bit pattern of information*, [0017] of Tecu);

extracting magnitude signal values from said correlation signal (*intensity data 70 comprises signal amplitude or intensity*

levels 72 used to encode metadata 40 such that various intensity levels 72 may be used to designate a particular bit pattern of information, [0017] of Tecu), said magnitude signal values corresponding to each code basis of said set of code bases (*encode metadata at a plurality of predetermined intensity levels at a human-inaudible frequency and populate the audio data of the data stream with the encoded metadata*, [0003] of Tecu); and

evaluating said magnitude signal values to retrieve said meta-information from said audio information (*various intensity ranges 74 may also be used to designate a particular bit pattern of information. For example, a particular range of signal level strengths may be used to identify a bit designation of "1" while another range of signal level strengths may be used to identify a bit designation of "0"*, [0017] of Tecu).

Tsuruoka discloses:

obtaining a correlation signal from said audio signal by convoluting said modulation signal and said audio information having embedded said meta-information in a frequency domain (*a modulated signal using a multiplicity of carriers whose frequency components are in an orthogonal relationship with one another, encodes data such as audio data or the like, and the encoded data are allocated to each carrier, thereby modulating each carrier, a*

digital signal in the frequency domain comprised of each modulated carrier is inverse fast Fourier transformed into a digital signal in a time domain, [Column 1, Lines 23-31]).

Regarding **claim 26**, Brechner, as modified by Tecu, discloses said correlation basis being defined in a first frequency range (*frequency data 60 in Figure 1, range is 20kHz or greater to render inaudible to human hearing*, [0019] of Tecu) and said obtaining of said correlation signal comprises :

> providing a correlation basis comprising all frequencies of said set of code bases within a first frequency range of a plurality of frequency ranges (*frequency data 60 in Figure 1, range is 20kHz or greater to render inaudible to human hearing*, [0019] of Tecu);

> mapping said correlation basis into each frequency range of a plurality of frequency ranges, said plurality of frequency ranges forming a total frequency range being applicable to said audio information to obtain said modulation signal (*Processor 16 also generates relational data 50 corresponding to the encoded metadata 40 such that metadata 40 may be correlated to particular data streams 32*, [0021] of Tecu); and

Tsuruoka discloses:

obtaining said correlation signal from said audio signal by

convoluting said modulation signal and said audio information in

said frequency domain (*a modulated signal using a multiplicity of*

carriers whose frequency components are in an orthogonal

relationship with one another, encodes data such as audio data or

the like, and the encoded data are allocated to each carrier, thereby

modulating each carrier, a digital signal in the frequency domain

comprised of each modulated carrier is inverse fast Fourier

transformed into a digital signal in a time domain, [Column 1, Lines

23-31]).

23.   **Claim 25** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Brechner et al. (Pat. No. US 6,741,996, filed on April 18, 2001; hereinafter

Brechner) in view of Tecu et al. (Pub. No. US 2004/0034655, filed on July 17,

2002; hereinafter Tecu) and further in view of Tsuruoka (Pat. No. US 6,192,056,

published on February 20, 2001) and further in view of Levy et al. (Pub. No. US

2002/0031240, filed on December 6, 2000; hereinafter Levy).

Regarding **claim 25**, Brechner, as modified by Tecu and Tsuruoka,

discloses extracting metadata using a magnitude value (*various intensity*

ranges 74 may also be used to designate a particular bit pattern of

information. For example, a particular range of signal level strengths may

be used to identify a bit designation of "1" while another range of signal

level strengths may be used to identify a bit designation of "0", [0017] of Tecu).

The combination of Brechner, Tecu, and Tsuruoka does not disclose the first two limitations.

Levy discloses:

obtaining magnitude ratio values of each pair of said magnitude signal values (*For each of the M selected coefficients, x, the embedder computes a ratio of the magnitude of a selected coefficient relative to the magnitude of its neighbors (108). In particular, it is a ratio of the magnitude of the selected coefficient to the average magnitude of the surrounding neighbors, [0013]);*

normalizing said magnitude ratio values (*The embedding and detecting operations apply to other media types, including audio media signals. In addition, the frequency domain coefficients may be selected and adjusted to reference values to detect other types of signal alteration, such as lossy compression, digital to analog and analog to digital conversion, downsampling and upsampling, etc, [0031]); and*

It would have been obvious to a person with ordinary skills in the art at the time of the invention was made to incorporate the teachings of Levy with the teachings of Brechner, as modified by Tecu and Tsuruoka, for the

purpose of detecting and analyzing alteration of a watermarked media

signal that contains data information by examining signal peaks at

selected frequency coefficients in the media signal ([0008] of Levy).

Conclusion

24.   These following prior arts made of record and not relied upon are

considered pertinent to Applicant's disclosure:

Kohut et al. (Pub. No. US 2003/0187820) teaches media

management system and process.

Stubler et al. (Pub. No. US 2002/0188602) teaches method for

associating semantic information with multiple images in an image

database environment.

Eyal et al. (Pub. No. US 2004/0177096) teaches streaming media

search system.

The Examiner requests, in response to this Office action, support(s) must

be shown for language added to any original claims on amendment and any new

claims. That is, indicate support for newly added claim language by specifically

pointing to page(s) and line no(s) in the specification and/or drawing figure(s).

This will assist the Examiner in prosecuting the application.

When responding to this office action, Applicant is advised to clearly point

out the patentable novelty which he or she thinks the claims present, in view of

the state of the art disclosed by the references cited or the objections made. He

or she must also show how the amendments avoid such references or objections

See 37 CFR 1.111(c).

Contact Information

25.   Any inquiry concerning this communication or earlier communications from

the Examiner should be directed to Son T. Hoang whose telephone number is

(571) 270-1752. The Examiner can normally be reached on Monday - Friday

(7:30 AM – 5:00 PM).

If attempts to reach the Examiner by telephone are unsuccessful, the

Examiner's supervisor, Christian Chace can be reached on (571) 272-4190. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through Private

PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/S.H./

Son T. Hoang

Patent Examiner

January 16, 2007

CHRISTIAN CHACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100